

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH WILSON,

Plaintiff,

v.

Case No. 25-10335

Honorable Linda V. Parker

SMX CORPORATION,

Defendant.

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**OPINION AND ORDER DENYING PLAINTIFF’S REQUEST FOR A
REFUND OF THE FILING FEE**

Plaintiff, through counsel, initiated this lawsuit against Defendant on February 5, 2025. (ECF No. 1.) Plaintiff paid the \$405 filing fee for the action. (2/5/25 Text Entry.) On February 12, Plaintiff filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a), indicating that “Plaintiff’s counsel’s office errantly filed the complaint and did not realize the issue until the Complaint had been filed.” (ECF No. 3.) Plaintiff asks the Court to refund the filing fee as the case should be closed.

“The Judicial Conference has a longstanding policy prohibiting the refund of fees, with narrow exceptions, e.g., when fees are collected without authority or as a result of administrative error on the part of the clerk’s office.” *Rashada v.*

Gonzales, No. 07-cv-1055, 2007 WL 1795873, at *1 (N.D. Ohio June 20, 2007) (citing JCUS-MAR 05, p. 11); *see also Rogers v. State of Mich. Emps. & Ct. Officials*, No. 22-cv-11996, 2024 WL 922975, at *1 (E.D. Mich. Mar. 4, 2024) (same); *Montoya v. Capital One, N.A.*, No. 21-cv-11978, 2022 WL 957548, at *1 (E.D. Mich. Mar. 29, 2022) (same). “Indeed, the ‘Conference’s current policy regarding refunding filing fees, in effect since 1949, has been broadly interpreted to generally prohibit refunds of fees due upon filing, even if a party filed the case in error, or the court dismissed the case or proceeding.’” *Rashada*, 2007 WL 1795873, at *1 (quoting Memo .from the Admin. Office of the U.S. Courts to Chief Judges, U.S. Dist. Courts (Apr. 7, 2006) (citing JCUS-MAR 49, p. 202)).

Here, Plaintiff initiated this lawsuit and paid the filing fee. The fees were not paid without authority or due to administrative error. The Court, therefore, is not permitted to refund the filing fee to Plaintiff even if it were inclined to do so. As such, the request to refund the filing fee is **DENIED**.

SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: February 13, 2025